

Please Review the Following
Important Information
Before Filling Out a Charge Form!

- Please call an Information Officer in the Regional Office nearest you for assistance in filing a charge. The Information Officer will be happy to answer your questions about the charge form or to draft the charge on your behalf. Seeking assistance from an Information Officer may help you to avoid having the processing of your charge delayed or your charge dismissed because of mistakes made in completing the form.
- Please be advised that not every workplace action that you may view as unfair constitutes an unfair labor practice within the jurisdiction of the National Labor Relations Act (NLRA). Please click on the Help Desk button for more information on matters covered by the NLRA.
- The section of the charge form called, "Basis of Charge," seeks only a brief description of the alleged unfair labor practice. You should **NOT** include a detailed recounting of the evidence in support of the charge or a list of the names and telephone numbers of witnesses.
- After completing the charge form, be sure to sign and date the charge and mail or deliver the completed form to the appropriate Regional Office.
- A charge should be filed with the Regional Office which has jurisdiction over the geographic area of the United States where the unfair labor practice occurred. For example, an unfair labor practice charge alleging that an employer unlawfully discharged an employee would usually be filed with the Regional Office having jurisdiction over the worksite where the employee was employed prior to his/her discharge. An Information Officer will be pleased to assist you in locating the appropriate Regional Office in which to file your charge.
- The NLRB's Rules and Regulations state that it is the responsibility of the individual, employer or union filing a charge to timely and properly serve a copy of the charge on the person, employer or union against whom such charge is made.
- By statute, only charges filed and served within **six (6) months** of the date of the event or conduct, which is the subject of that charge, will be processed by the NLRB.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name SEIU Healthcare Pennsylvania		h. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 1500 North Second Street, Suite 12, Harrisburg, PA 17102		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	
		g. e-mail (b) (6), (b) (7)(C)@seiuhcpa.org	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about June 30, 2021, the above-named labor organization, by its officers, agents and representatives, has unlawfully failed and refused to provide the Charging Party with requested information, which is relevant to collective bargaining and contract administration.			
3. Name of Employer Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton		4a. Tel. No. 860-307-3223	b. Cell No. 860-307-3223
		c. Fax No.	
		d. e-mail kkaseta@carmodyandcarmody.com	
5. Location of plant involved (street, city, state and ZIP code) 746 Jefferson Avenue, Scranton, PA 18510		6. Employer representative to contact Kaitlin Kaseta	
7. Type of establishment (factory, mine, wholesaler, etc.) Acute Care Facility	8. Identify principal product or service Healthcare		9. Number of workers employed
10. Full name of party filing charge Kaitlin Kaseta			
11. Address of party filing charge (street, city, state and ZIP code) 1035 Euclid Avenue NE, Atlanta, GA 30307		11a. Tel. No. 860-307-3223	b. Cell No. 860-307-3223
		c. Fax No.	
		d. e-mail kkaseta@carmodyandcarmody.com	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. <u>Kaitlin Kaseta Lammers</u> (signature of representative or person making charge)		Kaitlin Kaseta (Print/type name and title or office, if any)	
		Tel. No. 860-307-3223	
		Cell No. 860-307-3223	
		Fax No.	
Address 1035 Euclid Avenue NE, Atlanta, GA 30307		Date 11/24/2021	
		e-mail kkaseta@carmodyandcarmody.co	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 04-CB-286783	Date Filed 11/24/21

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name SEIU Healthcare Pennsylvania		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 1500 North Second Street, Suite 12, Harrisburg, PA 17102		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax. No.	
		g. e-mail (b) (6), (b) (7)(C) @seiuhcpa.org	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
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		c. Fax No.	
		d. e-mail kkaseta@carmodyandcarmody.com	
5. Location of plant involved (street, city, state and ZIP code) 746 Jefferson Avenue, Scranton, PA 18510		6. Employer representative to contact Kaitlin Kaseta	
7. Type of establishment (factory, mine, wholesaler, etc.) Acute Care Facility	8. Identify principal product or service Healthcare		9. Number of workers employed
10. Full name of party filing charge Kaitlin Kaseta			
11. Address of party filing charge (street, city, state and ZIP code) 1035 Euclid Avenue NE, Atlanta, GA 30307		11a. Tel. No. 860-307-3223	b. Cell No. 860-307-3223
		c. Fax No.	
		d. e-mail kkaseta@carmodyandcarmody.com	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <u>Kaitlin Kaseta Lammers</u> <small>(signature of representative or person making charge)</small> </div> <div style="width: 45%;"> Kaitlin Kaseta <small>(Print/type name and title or office, if any)</small> </div> </div>		Tel. No. 860-307-3223 Cell No. 860-307-3223 Fax No. e-mail kkaseta@carmodyandcarmody.co	
Address <u>1035 Euclid Avenue NE, Atlanta, GA 30307</u>		Date <u>11/24/2021</u>	

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Case Name: Scranton Hospital Company LLC d/b/a Regional Hospital of Scranton
Case No.: 04-CB-286783
Agent: Field Examiner JOANNE M. SACCHETTI

CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
Mobile App

November 26, 2021

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania
1500 North 2nd Street, Suite 12
Harrisburg, PA 17102

Re: SEIU Healthcare Pennsylvania
(Scranton Hospital Company, LLC d/b/a
Regional Hospital of Scranton)
Case 04-CB-286783

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

November 26, 2021

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan
Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SCRANTON HOSPITAL COMPANY, LLC d/b/a
REGIONAL HOSPITAL OF SCRANTON**

Charged Party

and

KAITLIN KASETA

Charging Party

Case 04-CB-286783

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 26, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania
1500 North 2nd Street, Suite 12
Harrisburg, PA 17102

November 26, 2021

Date

Lorraine Y. Murray
Designated Agent of NLRB

Name

/s/ Lorraine Y. Murray

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
Mobile App

November 26, 2021

Kaitlin Kaseta, Esquire
1035 Euclid Avenue NE
Atlanta, GA 30307

Re: SEIU Healthcare Pennsylvania
(Scranton Hospital Company, LLC d/b/a
Regional Hospital of Scranton)
Case 04-CB-286783

Dear Ms. Kaseta:

The charge that you filed in this case on November 24, 2021 has been docketed as case number 04-CB-286783. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Telephone: (215)597-7601
Fax: (215)597-7658



Download
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November 26, 2021

Scranton Hospital Company, LLC d/b/a
Regional Hospital of Scranton
746 Jefferson Avenue
Scranton, PA 18510

Re: SEIU Healthcare Pennsylvania (Scranton
Hospital Company, LLC d/b/a Regional
Hospital of Scranton)
Case 04-CB-286783

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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November 26, 2021

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Thomas Goonan
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CB-286783
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

From: [Grosh, Devin S.](#)
To: [Sacchetti, Joanne M.](#)
Cc: [Reese, Noelle M.](#); [Murray, Lorraine Y.](#); [Warren, Renai J.](#)
Subject: new filing - charged assigned to you - SEIU Healthcare PA (Regional Hospital of Scranton)
Date: Friday, November 26, 2021 9:45:12 AM

Assignment

Cat 1, no 10j, 0 disc., existing contract, 8b3 refusal to furnish information

Devin S. Grosh
Assistant to the Regional Director
National Labor Relations Board, Region 4
100 East Penn Square, Suite 403
Philadelphia, PA 19107
(p) 215-597-7640
(f) 215-597-7658

From: e-service@nlrb.gov <e-Service@service.nlrb.gov>
Sent: Wednesday, November 24, 2021 2:47 PM
To: DG-EFileChgPet-PHI04 <dgecpp04@nlrb.gov>
Subject: FW: Inquiry # 1-3046469851 - CB

This is to notify you that a new CHG Document(s) has been received by your office 04 for Inquiry # **1-3046469851**, Case Type : CB.

You can access the document(s) filed by clicking on the link(s) in the Attachments section.

Date Submitted:	Wednesday, November 24, 2021 2:36 PM Eastern Standard Time
Dispute/Unit Location:	Scranton, PA
Regional, Sub-Regional Or Resident Office:	04
Employer:	Scranton Hospital Company LLC d/b/a Regional Hospital of Scranton
Case Type:	CB
Inquiry Number:	1-3046469851
Filing Party:	Charge
Name:	Kaseta, Kaitlin
Email:	kkaseta@carmodyandcarmody.com
Address:	1035 Euclid Avenue NE Atlanta, GA 30307
Telephone:	(860) 307-3223

Fax:	
Attachments:	CHG : CHG.1-3046469851.RHS ULP Charge 11-24-21.pdf

From: [Sacchetti, Joanne M.](#)
To: [Kaitlin Kaseta](#)
Subject: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)
Date: Monday, November 29, 2021 9:26:00 AM
Attachments: [CHG.04-CB-286783.Initial Charge \(1\).pdf](#)

Good morning, Kaitlin.

I am the Board agent assigned to investigate the subject charge. In preparation for my taking your witness's affidavit, would you please provide a brief summary of the allegations of the charge and submit the information request, all subsequent correspondence between the Employer and Union related to the information request, and any other documents relevant to the allegations of the charge. If there were any verbal communications related to the information request, please provide that information in our summary. Please submit this evidence through the Agency's e-filing system by Wednesday, December 1. Once the documents are received, I will contact you to discuss how we will proceed with the investigation and schedule an appointment time for your witness's affidavit. Thank you.

Joanne M. Sacchetti
Labor Management Relations Examiner
NATIONAL LABOR RELATIONS BOARD
The Wanamaker Building
100 Penn Square East, Suite 403
Philadelphia, PA 19107
(215)597-9672 (direct office)
(202)322-1158 (cell)
Email: Joanne.Sacchetti@nrlb.gov

Follow us on Twitter: @NLRBGC/@NLRB
En espanol: @NLRBGCEs/@NLRBes

Please note the NLRB requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

To e-file case documents: <https://apps.nrlb.gov/myAccount/#/FileCaseDocument/TermsConditions>

To provide feedback on your E-Filing experience, see: <https://www.nrlb.gov/how-we-work/fillable-forms/site-feedback>

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 04-CB-286783	Date Filed 11/24/21

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name SEIU Healthcare Pennsylvania		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 1500 North Second Street, Suite 12, Harrisburg, PA 17102		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax. No.	
		g. e-mail (b) (6), (b) (7)(C) seiuhcpa.org	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about June 30, 2021, the above-named labor organization, by its officers, agents and representatives, has unlawfully failed and refused to provide the Charging Party with requested information, which is relevant to collective bargaining and contract administration.			
3. Name of Employer Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton		4a. Tel. No. 860-307-3223	b. Cell No. 860-307-3223
		c. Fax No.	
		d. e-mail kkaseta@carmodyandcarmody.com	
5. Location of plant involved (street, city, state and ZIP code) 746 Jefferson Avenue, Scranton, PA 18510		6. Employer representative to contact Kaitlin Kaseta	
7. Type of establishment (factory, mine, wholesaler, etc.) Acute Care Facility	8. Identify principal product or service Healthcare		9. Number of workers employed
10. Full name of party filing charge Kaitlin Kaseta			
11. Address of party filing charge (street, city, state and ZIP code) 1035 Euclid Avenue NE, Atlanta, GA 30307		11a. Tel. No. 860-307-3223	b. Cell No. 860-307-3223
		c. Fax No.	
		d. e-mail kkaseta@carmodyandcarmody.com	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <u>Kaitlin Kaseta Lammers</u> <small>(signature of representative or person making charge)</small> </div> <div style="width: 45%;"> Kaitlin Kaseta <small>(Print/type name and title or office, if any)</small> </div> </div>		Tel. No. 860-307-3223 Cell No. 860-307-3223 Fax No. e-mail kkaseta@carmodyandcarmody.co	
Address <u>1035 Euclid Avenue NE, Atlanta, GA 30307</u>		Date <u>11/24/2021</u>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

From: [Kaitlin Kaseta](#)
To: [Sacchetti, Joanne M.](#)
Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)
Date: Tuesday, November 30, 2021 5:50:22 AM
Attachments: [286783 - Grievances.pdf](#)
[286783 - 6-11-21 RFI 1.pdf](#)
[286783 - 6-11-21 RFI 2.pdf](#)
[286783 - 6-11-21 RFI 3.pdf](#)
[286783 - 6-30-21 RFI Response.pdf](#)
[286783 - 7-20-21 Response.pdf](#)
[286783 - 7-29-21 RFI Response.pdf](#)
[286783 - Email Exchange.pdf](#)

Good Morning Joanne,

The above-referenced ULP Charge arises from a digital billboard display truck utilized by SEIU Healthcare Pennsylvania (the "Union") outside of the Regional Hospital of Scranton (the "Hospital") on June 1-3, 2021. The truck was driven and parked outside of the Hospital, and had large LED panels that conveyed messages related to a dispute between the Union and Tyler Memorial Hospital.

In response to the Union's usage of the digital billboard display truck outside of the Hospital, the Hospital filed and pursued three grievances, whereby the Hospital alleged the Union's use of the digital billboard display truck violated the parties' collective bargaining agreement (the "CBA"). The grievances were denied by the Union and thereafter advanced to arbitration by the Hospital. The grievances were consolidated for purposes of arbitration, and a hearing was scheduled to be convened on November 30, 2021.

By letters dated June 11, 2021, the Hospital requested that the Union identify the "names and titles for all Agents of the Union" who "operated", "arrived with", "came over to", or "were in the presence of" the digital billboard display truck on June 1-3, 2021. By letter dated June 30, 2021, the Union requested that the Hospital explain the relevance of the requested information. In its July 20, 2021 responses, the Hospital indicated that the requested information was relevant to establishing whether the violations of the CBA were known or condoned by the Union, as well as to "ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the truck", and to the Hospital's investigation of the Union's use of the digital billboard display truck at the Hospital. By letter dated July 29, 2021, in response to the relevant Hospital requests, the Union disclosed that two individuals were the "Union staff present on June 1" (namely, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)).

Based upon the information provided by the Union, the Hospital subpoenaed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to give testimony in the November 30, 2021 arbitration hearing. However, in advance of the arbitration hearing, I – as counsel for the Hospital – obtained, digitized, and then reviewed the Hospital security footage of the Union's activity on June 1-3, 2021. The footage indicated that additional individuals had operated, arrived with, come over to, and

been in the presence of the digital billboard display truck along with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and that at least two of those individuals (who were not, upon information or belief, (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)), had actually entered the Hospital during the course of the activity in question.

As a result of my review of the security footage, I contacted (b) (6), (b) (7)(C) for the Union, by email on November 23, 2021. I provided (b) (6), (b) (7)(C) with copies of the now-digitized security footage. I advised that the Hospital had sought, by way of its request for information, the identities of *all* Union agents who “operated”, “arrived with”, “came over to”, or “were in the presence of” the digital billboard display truck, and that my review of the Hospital’s security footage indicated that the Union’s prior response to the Hospital’s requests was incomplete. I reiterated the Hospital’s request for the identities of those additional individuals who had “operated”, “arrived with”, “came over to”, or “were in the presence of” the digital billboard truck in the security footage, and advised that the Hospital wished to obtain the information so that the Hospital could subpoena and question those individuals in connection with the Hospital’s grievances as part of the November 30, 2021 arbitration hearing. On the same date, (b) (6), (b) (7)(C) responded to my email, and stated that the Union had “completely responded” to the Hospital’s requests for information. (b) (6), (b) (7)(C) did not provide the information previously requested by the Hospital or reiterated by my November 23, 2021 email – specifically, (b) (6), (b) (7)(C) did not provide the identities of the additional individuals who had “operated”, “arrived with”, “came over to”, or “were in the presence of” the digital billboard truck and who were visible in the Hospital’s security footage. As a result of the Union’s refusal to provide the information sought by the Hospital, which had the effect of preventing the Hospital from subpoenaing witnesses in connection with the litigation of its grievances, the November 30, 2021 arbitration hearing was postponed.

Courtesy copies of all relevant documents are attached, and per your request, have also been e-filed. Please let me know if you require any additional information.

Sincerely,
Kaitlin

From: "Sacchetti, Joanne M." <Joanne.Sacchetti@nlrb.gov>

Date: Monday, November 29, 2021 at 10:26 AM

To: Kaitlin Kaseta <kkaseta@carmodyandcarmody.com>

Subject: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton

Good morning, Kaitlin.

I am the Board agent assigned to investigate the subject charge. In preparation for my taking your witness's affidavit, would you please provide a brief summary of the allegations of the charge and submit the information request, all subsequent correspondence between the Employer and Union related to the information request, and any other documents relevant to the allegations of the charge. If there were any verbal communications related to the information request, please provide that information in our summary. Please submit this evidence through the Agency's e-filing system by Wednesday, December 1. Once the documents are received, I will contact you to discuss how we will proceed with the investigation and schedule an appointment time for your witness's affidavit. Thank you.

Joanne M. Sacchetti
Labor Management Relations Examiner
NATIONAL LABOR RELATIONS BOARD
The Wanamaker Building
100 Penn Square East, Suite 403
Philadelphia, PA 19107
(215)597-9672 (direct office)
(202)322-1158 (cell)
Email: Joanne.Sacchetti@nrlb.gov

Follow us on Twitter: @NLRBGC/@NLRB
En espanol: @NLRBGCes/@NLRBes

Please note the NLRB requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

To e-file case documents: <https://apps.nrlb.gov/myAccount/#/FileCaseDocument/TermsConditions>

To provide feedback on your E-Filing experience, see: <https://www.nrlb.gov/how-we-work/fillable-forms/site-feedback>

RECEIVED JUN 14 2021

(b) (6), (b) (7)(C)

orig file

GRIEVANCE FORM

Chapter SEIU Healthcare Pennsylvania at Regional Hospital of Scranton
 Grievant Regional Hospital of Scranton Phone (570) 770-3000
 Department Human Resources Classification All
 Delegate (b) (6), (b) (7)(C) Date Filed June 11, 2021

Statement of Grievance: *On Tuesday, June 1, 2021, SEIU Healthcare Pennsylvania (the "Union"), by and through its (b) (6), (b) (7)(C), and its staff employee (b) (6), (b) (7)(C) presented themselves on the premises of Regional Hospital of Scranton (the "Hospital") without reasonable notice or for a purpose that was relevant to Union business in violation of Article 27, Section 27.1, and engaged in picketing and interruption or delay of work activities by use of a truck with electronic lightboard Union-related messages directly in front of and around the Hospital, in violation of Article 3, Section 3.1.*

Remedy Sought:

Immediately cease and desist from any further violations of Article 3 and Article 27 and promptly take the steps listed in Article 3, Section 3.3. The Union shall also address a letter to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) acknowledging and expressing regret for its violations, as well as affirming it shall cease and desist from such activity in the future. The Union shall also agree that, to the extent that it engages in any future violations of Article 3, Section 3.1, it shall pay liquidated damages to the Hospital in an amount deemed reasonable by an arbitrator.

Received by Supervisor _____ Date _____

Step One Response

Received by Union Rep _____ Date _____

Is Answer Satisfactory? Yes No Date Filed to Step Two _____

Received by Dept. Head _____ Date _____

Step Two Response

Is Answer Satisfactory? Yes No Date Filed to Step Three _____

Received by HR _____ Date _____

Step Three Response

Is Answer Satisfactory?	Yes	No	
Arbitrate?	Yes	No	Date Filed to Arbitration

RECEIVED JUN 14 2021

(b) (6), (b) (7)(C)

cc. [redacted]
05 file**GRIEVANCE FORM**

Chapter SEIU Healthcare Pennsylvania at Regional Hospital of Scranton
 Grievant Regional Hospital of Scranton Phone (570) 770-3000
 Department Human Resources (b) (6), (b) (7)(C) Classification All
 Delegate (b) (6), (b) (7)(C) Date Filed June 11, 2021

Statement of Grievance: *On Wednesday, June 2, 2021, SEIU Healthcare Pennsylvania (the "Union") presented themselves on the premises of Regional Hospital of Scranton (the "Hospital") without reasonable notice or for a purpose that was relevant to Union business in violation of Article 27, Section 27.1, and engaged in picketing and interruption or delay of work activities by use of a truck with electronic lightboard Union-related messages directly in front of and around the Hospital, in violation of Article 3, Section 3.1.*

Remedy Sought:

Immediately cease and desist from any further violations of Article 3 and Article 27 and promptly take the steps listed in Article 3, Section 3.3. The Union shall also address a letter to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) acknowledging and expressing regret for its violations, as well as affirming it shall cease and desist from such activity in the future. The Union shall also agree that, to the extent that it engages in any future violations of Article 3, Section 3.1, it shall pay liquidated damages to the Hospital in an amount deemed reasonable by an arbitrator.

Received by Supervisor _____ Date _____

Step One Response

Received by Union Rep _____ Date _____

Is Answer Satisfactory? Yes No Date Filed to Step Two _____

Received by Dept. Head _____ Date _____

Step Two Response

Is Answer Satisfactory? Yes No Date Filed to Step Three _____

Received by HR _____ Date _____

Step Three Response

Is Answer Satisfactory?	Yes	No	
Arbitrate?	Yes	No	Date Filed to Arbitration

RECEIVED JUN 14 2021

cc

(b) (6), (b) (7)(C)

orig. file

GRIEVANCE FORM

Chapter SEIU Healthcare Pennsylvania at Regional Hospital of Scranton
 Grievant Regional Hospital of Scranton Phone (570) 770-3000
 Department Human Resources (b) (6), (b) (7)(C) Classification All
 Delegate (b) (6), (b) (7)(C) Date Filed June 11, 2021

Statement of Grievance: *On Thursday, June 3, 2021, SEIU Healthcare Pennsylvania (the "Union") presented themselves on the premises of Regional Hospital of Scranton (the "Hospital") without reasonable notice or for a purpose that was relevant to Union business in violation of Article 27, Section 27.1, and engaged in picketing and interruption or delay of work activities by use of a truck with electronic lightboard Union-related messages directly in front of and around the Hospital, in violation of Article 3, Section 3.1.*

Remedy Sought:

Immediately cease and desist from any further violations of Article 3 and Article 27 and promptly take the steps listed in Article 3, Section 3.3. The Union shall also address a letter to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) acknowledging and expressing regret for its violations, as well as affirming it shall cease and desist from such activity in the future. The Union shall also agree that, to the extent that it engages in any future violations of Article 3, Section 3.1, it shall pay liquidated damages to the Hospital in an amount deemed reasonable by an arbitrator.

Received by Supervisor _____ Date _____

Step One Response

Received by Union Rep _____ Date _____

Is Answer Satisfactory? Yes No Date Filed to Step Two _____

Received by Dept. Head _____ Date _____

Step Two Response

Is Answer Satisfactory? Yes No Date Filed to Step Three _____

Received by HR _____ Date _____

Step Three Response

Is Answer Satisfactory?	Yes	No	
Arbitrate?	Yes	No	Date Filed to Arbitration

June 11, 2021

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania

1500 N. 2nd Street, Suite 12

Harrisburg, PA 17102

RE: Scranton Hospital Company, LLC Request for Information – June 3, 2021 Union
Picketing at the Hospital

Dear (b) (6), (b) (7)(C)

Scranton Hospital Company, LLC (the "Hospital") requests the following information in order to investigate a potential grievance against SEIU Healthcare Pennsylvania (the "Union"). The term "Agents of the Union" shall include, but not be limited to, employees of the Hospital who are represented by your Union and serve as Union Delegates or Union Officers, Union Representatives, Union Administrative Organizers, independent contractors or volunteers conducting business on behalf of the Union and all other paid staff in the Union's employ. The term "Document" means any existing printed, typewritten, electronic or otherwise recorded material of whatever character, records stored on computer, cellular telephone, or electronically, records kept or written by hand or produced by hand and graphic material without limitation, press and/or media releases, computer hard drives, discs and/or files and all data contained therein, computer print outs, email communications and records, texts and social media accounts, letters, facsimile transactions, memoranda, telegrams, minutes, notes, phone records, phone bills, worksheets, summaries of records of telephone conversations, meetings, calendars, interoffice communications and any duplicative copies of any such material in the possession of, control of, or available to the Union, its employees, officers, delegates and agents.

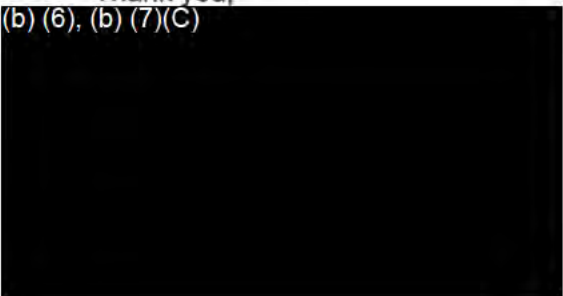
Your union has statutory obligations to furnish the Hospital with the information requested. You also understand that your union has an ongoing obligation to produce any of this requested information which is discovered or created after the initial production of responsive documents. The Hospital is not seeking the identity of any employee who has engaged in protected concerted activity. Accordingly, to the extent production of any responsive information and/or documentation would disclose the identity of any such employee, I would ask that you so indicate in the Union's response so that we may thereafter discuss any necessary redactions. The Hospital reserves its right to amend this Request for Information, and to make additional requests for information, at any time.

The Hospital requests that you please provide the following information to me by 4:59 PM EDT, Friday, June 18, 2021:

1. any and all Documents and communications from, by, and/or between any Agents of the Union that reference the determination to use a vehicle with electronic communications boards as pictured on the attached (the "Truck") at the campus of the Hospital on June 3, 2021;
2. your union's intention for using the Truck at the campus of the Hospital on June 3, 2021;
3. names and titles for all Agents of the Union involved in the decision to use the Truck on the campus of the Hospital on June 3, 2021;
4. names and titles for all Agents of the Union who operated or arrived at the campus of the Hospital with the Truck on June 3, 2021;
5. names and titles for all Agents of the Union who came over to and/or were in presence of the Truck once it arrived at the campus of the Hospital on June 3, 2021;
6. the arrival and departure time of the Truck at the campus of the Hospital on June 3, 2021;
7. the location in which the Truck was used at the campus of the Hospital on June 3, 2021; and,
8. the names and position titles of those Agents of the Union who instructed and/or authorized the Truck to be used at the campus of the Hospital facility on June 3, 2021.

Thank you,

(b) (6), (b) (7)(C)



June 11, 2021

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania

1500 N. 2nd Street, Suite 12

Harrisburg, PA 17102

RE: Scranton Hospital Company, LLC Request for Information – June 2, 2021 Union
Picketing at the Hospital

Dear (b) (6), (b) (7)(C)

Scranton Hospital Company, LLC (the "Hospital") requests the following information in order to investigate a potential grievance against SEIU Healthcare Pennsylvania (the "Union"). The term "Agents of the Union" shall include, but not be limited to, employees of the Hospital who are represented by your Union and serve as Union Delegates or Union Officers, Union Representatives, Union Administrative Organizers, independent contractors or volunteers conducting business on behalf of the Union and all other paid staff in the Union's employ. The term "Document" means any existing printed, typewritten, electronic or otherwise recorded material of whatever character, records stored on computer, cellular telephone, or electronically, records kept or written by hand or produced by hand and graphic material without limitation, press and/or media releases, computer hard drives, discs and/or files and all data contained therein, computer print outs, email communications and records, texts and social media accounts, letters, facsimile transactions, memoranda, telegrams, minutes, notes, phone records, phone bills, worksheets, summaries of records of telephone conversations, meetings, calendars, interoffice communications and any duplicative copies of any such material in the possession of, control of, or available to the Union, its employees, officers, delegates and agents.


Your union has statutory obligations to furnish the Hospital with the information requested. You also understand that your union has an ongoing obligation to produce any of this requested information which is discovered or created after the initial production of responsive documents. The Hospital is not seeking the identity of any employee who has engaged in protected concerted activity. Accordingly, to the extent production of any responsive information and/or documentation would disclose the identity of any such employee, I would ask that you so indicate in the Union's response so that we may thereafter discuss any necessary redactions. The Hospital reserves its right to amend this Request for Information, and to make additional requests for information, at any time.

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4. names and titles for all Agents of the Union who operated or arrived at the campus of the Hospital with the Truck on June 2, 2021;
5. names and titles for all Agents of the Union who came over to and/or were in presence of the Truck once it arrived at the campus of the Hospital on June 2, 2021;
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7. the location in which the Truck was used at the campus of the Hospital on June 2, 2021; and,
8. the names and position titles of those Agents of the Union who instructed and/or authorized the Truck to be used at the campus of the Hospital facility on June 2, 2021.

Thank you.

(b) (6), (b) (7)(C)



June 11, 2021

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania

1500 N. 2nd Street, Suite 12

Harrisburg, PA 17102

RE: Scranton Hospital Company, LLC Request for Information – June 1, 2021 Union
Picketing at the Hospital

Dear (b) (6), (b) (7)(C)

Scranton Hospital Company, LLC (the "Hospital") requests the following information in order to investigate a potential grievance against SEIU Healthcare Pennsylvania (the "Union"). The term "Agents of the Union" shall include, but not be limited to, employees of the Hospital who are represented by your Union and serve as Union Delegates or Union Officers, Union Representatives, Union Administrative Organizers, independent contractors or volunteers conducting business on behalf of the Union and all other paid staff in the Union's employ. The term "Document" means any existing printed, typewritten, electronic or otherwise recorded material of whatever character, records stored on computer, cellular telephone, or electronically, records kept or written by hand or produced by hand and graphic material without limitation, press and/or media releases, computer hard drives, discs and/or files and all data contained therein, computer print outs, email communications and records, texts and social media accounts, letters, facsimile transactions, memoranda, telegrams, minutes, notes, phone records, phone bills, worksheets, summaries of records of telephone conversations, meetings, calendars, interoffice communications and any duplicative copies of any such material in the possession of, control of, or available to the Union, its employees, officers, delegates and agents.


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5. names and titles for all Agents of the Union who came over to and/or were in presence of the Truck once it arrived at the campus of the Hospital on June 1, 2021;
6. the arrival and departure time of the Truck at the campus of the Hospital on June 1, 2021;
7. the location in which the Truck was used at the campus of the Hospital on June 1, 2021; and,
8. the names and position titles of those Agents of the Union who instructed and/or authorized the Truck to be used at the campus of the Hospital facility on June 1, 2021.

Thank you,

(b) (6), (b) (7)(C)





SEIUHealthcare. United for Quality Care

MATTHEW YARNELL
President

JESSE WILDERMAN
Secretary-Treasurer

LISA FRANK
Executive Vice President

MORGAN LINDSEY
Executive Vice President

SARAH FISHBEIN
Vice President

AMANDA LAPINA
Vice President

CARLOS RIVERA
Vice President

WENDELL ROYSTER
Vice President

SILAS RUSSELL
Vice President

Executive Board

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Sandra Williams
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Annalee Yobbi
Erica Zimmerman

VIA CERTIFIED MAIL w/ RETURN RECEIPT (7018 0680 0001 4530 2302)
AND EMAIL COMMUNICATON (kevin_witman@chs.net)

June 30, 2021

(b) (6), (b) (7)(C)

Regional Hospital of Scranton
746 Jefferson Avenue
Scranton, PA 18510

Dear (b) (6), (b) (7)(C):

I am in receipt of your three (3) letters dated June 11, 2021, requesting information on the "digital signage vehicle" on June 1st, 2nd and 3rd, 2021. To evaluate what if any obligation the Union has to provide the information requested, we ask that you provide a detailed explanation of the relevancy of the request -- both in general terms and in respect to each of the items in your letters dated June 11, 2021.

Until we can review and consider your explanation of the relevancy of your requests stated above to the expired CBA, we object to your requests as being irrelevant, unduly burdensome and seeking confidential or privileged information.

Without waiver of these objections, be advised that the use of the digital signage vehicle, the messages it conveyed and the association of employees with it are, in our view, protected concerted activity. Furthermore, on neither day did the vehicle or Union staff, who may have been in proximity to the vehicle, enter upon the property or facilities of the Hospital or block any entrance to the Hospital.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

cc: (b) (6), (b) (7)(C)

Chapter Leaders
File (2)

July 20, 2021

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania
1500 N. Second Street, Suite 12
Harrisburg, PA 17102

RE: SEIU Healthcare Pennsylvania Failure to Respond to Scranton Hospital
Company, LLC Request for Information Dated June 18, 2021 – CBA Violation of
June 1, 2021

Dear (b) (6), (b) (7)(C):

On June 11, 2021, I sent (b) (6), (b) (7)(C), a letter requesting information in connection with a grievance that the Hospital had filed regarding your union's June 1, 2021, violation of Article 3 and Article 27 of the collective bargaining agreement. You responded via electronic mail on June 14, 2021, stating the following:

In addition, I am reviewing your RFI and I am working on compiling the information you're requesting, it is an extensive request, so I wanted to give you a heads up that the Union may not have this completed by Thursday [June 17, 2021]. I should be able to send this out to you by mail, per the CBA by Monday June 21st."

The next communication I received was your June 30, 2021, letter wherein you requested, "a detailed explanation of the relevancy of the request – both in general terms and in respect to each of the items in your letters dated June 11, 2021." Moreover, you declare the following:

"Until we can review and consider your explanation of the relevancy of your requests stated above top the expired CBA, we object to your requests as being irrelevant, unduly burdensome and seeking confidential or privileged information."

It is therefore clear that you have changed your position with regard to the Hospital's request for information, despite the fact that your initial June 14th response implicitly acknowledged the Hospital's right to the requested information. Furthermore, your June 30th reference to "the expired CBA" is confusing, as the contract between the Union and

the Hospital does not expire until September 30, 2022. I must therefore request that you please explain your union's position that the CBA between the Hospital and your union is "expired" and how you contemplate this claim to be relevant to your prospective review and consideration of the Hospital's request for information and related grievances. Nonetheless, in the spirit of obtaining the information to which it is entitled as promptly as possible, I will explain the Hospital's view of relevancy for each item below:

1. *any and all Documents and communications from, by, and/or between any Agents of the Union that reference the determination to use a vehicle with electronic communications boards as pictured on the attached (the "Truck") at the campus of the Hospital on June 1, 2021;*
 - o The requested information is relevant to understand the objectives your union intended to achieve by using the Truck in front of and / or on the premises of the Hospital, and the relevant individuals with knowledge of those objectives. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
2. *your union's intention for using the Truck at the campus of the Hospital on June 1, 2021;*
 - o The requested information is relevant to understand the message your union intended to communicate and/or objectives your union intended to achieve while your Truck was in front of and/or on the premises of the Hospital. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
3. *names and titles for all Agents of the Union involved in the decision to use the Truck on the campus of the Hospital on June 1, 2021;*
 - o This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
4. *names and titles for all Agents of the Union who operated or arrived at the campus of the Hospital with the Truck on June 1, 2021;*
 - o This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of

the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.

5. *names and titles for all Agents of the Union who came over to and/or were in presence of the Truck once it arrived at the campus of the Hospital on June 1, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
6. *the arrival and departure time of the Truck at the campus of the Hospital on June 1, 2021;*
 - The requested information is relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
7. *the location in which the Truck was used at the campus of the Hospital on June 1, 2021; and,*
 - The requested information is therefore to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
8. *the names and position titles of those Agents of the Union who instructed and/or authorized the Truck to be used at the campus of the Hospital facility on June 1, 2021.*
 - The requested information is necessary to obtain the identities of the relevant individuals with knowledge of the Union's objectives in utilizing the Truck at the Hospital's campus. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.


Finally, SEIU Healthcare Pennsylvania has represented that electronic information within its electronic system is automatically deleted after thirty (30) days. Therefore, in order to prevent the spoliation of relevant electronic information, the Hospital requests that the Union immediately pull, hold and permanently preserve any and all electronic information responsive to this July 20, 2021, correspondence; the June 11, 2021,

information requests; and the Hospital's three (3) grievances also filed on June 11, 2021.

I look forward to receiving your responsive information by Friday, July 30, 2021.

Thank you.

(b) (6), (b) (7)(C)



July 20, 2021

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania
1500 N. Second Street, Suite 12
Harrisburg, PA 17102

RE: SEIU Healthcare Pennsylvania Failure to Respond to Scranton Hospital
Company, LLC Request for Information Dated June 18, 2021 – CBA Violation of
June 2, 2021

Dear (b) (6), (b) (7)(C):

On June 11, 2021, I sent (b) (6), (b) (7)(C), a letter requesting information in connection with a grievance that the Hospital had filed regarding your union's June 2, 2021, violation of Article 3 and Article 27 of the collective bargaining agreement. You responded via electronic mail on June 14, 2021, stating the following:

In addition, I am reviewing your RFI and I am working on compiling the information you're requesting, it is an extensive request, so I wanted to give you a heads up that the Union may not have this completed by Thursday [June 17, 2021]. I should be able to send this out to you by mail, per the CBA by Monday June 21st."

The next communication I received was your June 30, 2021, letter wherein you requested, "a detailed explanation of the relevancy of the request – both in general terms and in respect to each of the items in your letters dated June 11, 2021." Moreover, you declare the following:

"Until we can review and consider your explanation of the relevancy of your requests stated above top the expired CBA, we object to your requests as being irrelevant, unduly burdensome and seeking confidential or privileged information."

It is therefore clear that you have changed your position with regard to the Hospital's request for information, despite the fact that your initial June 14th response implicitly acknowledged the Hospital's right to the requested information. Furthermore, your June 30th reference to "the expired CBA" is confusing, as the contract between the Union and

the Hospital does not expire until September 30, 2022. I must therefore request that you please explain your union's position that the CBA between the Hospital and your union is "expired" and how you contemplate this claim to be relevant to your prospective review and consideration of the Hospital's request for information and related grievances. Nonetheless, in the spirit of obtaining the information to which it is entitled as promptly as possible, I will explain the Hospital's view of relevancy for each item below:

1. *any and all Documents and communications from, by, and/or between any Agents of the Union that reference the determination to use a vehicle with electronic communications boards as pictured on the attached (the "Truck") at the campus of the Hospital on June 2, 2021;*
 - The requested information is relevant to understand the objectives your union intended to achieve by using the Truck in front of and / or on the premises of the Hospital, and the relevant individuals with knowledge of those objectives. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
2. *your union's intention for using the Truck at the campus of the Hospital on June 2, 2021;*
 - The requested information is relevant to understand the message your union intended to communicate and/or objectives your union intended to achieve while your Truck was in front of and/or on the premises of the Hospital. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
3. *names and titles for all Agents of the Union involved in the decision to use the Truck on the campus of the Hospital on June 2, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
4. *names and titles for all Agents of the Union who operated or arrived at the campus of the Hospital with the Truck on June 2, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of

the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.

5. *names and titles for all Agents of the Union who came over to and/or were in presence of the Truck once it arrived at the campus of the Hospital on June 2, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
6. *the arrival and departure time of the Truck at the campus of the Hospital on June 2, 2021;*
 - The requested information is relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
7. *the location in which the Truck was used at the campus of the Hospital on June 2, 2021; and,*
 - The requested information is therefore to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
8. *the names and position titles of those Agents of the Union who instructed and/or authorized the Truck to be used at the campus of the Hospital facility on June 2, 2021.*
 - The requested information is necessary to obtain the identities of the relevant individuals with knowledge of the Union's objectives in utilizing the Truck at the Hospital's campus. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.

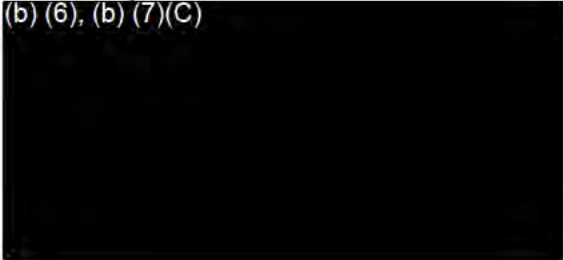
Finally, SEIU Healthcare Pennsylvania has represented that electronic information within its electronic system is automatically deleted after thirty (30) days. Therefore, in order to prevent the spoliation of relevant electronic information, the Hospital requests that the Union immediately pull, hold and permanently preserve any and all electronic information responsive to this July 20, 2021, correspondence; the June 11, 2021,

information requests; and the Hospital's three (3) grievances also filed on June 11, 2021.

I look forward to receiving your responsive information by Friday, July 30, 2021.

Thank you.

(b) (6), (b) (7)(C)



July 20, 2021

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania
1500 N. Second Street, Suite 12
Harrisburg, PA 17102

RE: SEIU Healthcare Pennsylvania Failure to Respond to Scranton Hospital
Company, LLC Request for Information Dated June 18, 2021 – CBA Violation of
June 3, 2021

Dear (b) (6), (b) (7)(C):

On June 11, 2021, I sent (b) (6), (b) (7)(C), a letter requesting information in connection with a grievance that the Hospital had filed regarding your union's June 3, 2021, violation of Article 3 and Article 27 of the collective bargaining agreement. You responded via electronic mail on June 14, 2021, stating the following:

In addition, I am reviewing your RFI and I am working on compiling the information you're requesting, it is an extensive request, so I wanted to give you a heads up that the Union may not have this completed by Thursday [June 17, 2021]. I should be able to send this out to you by mail, per the CBA by Monday June 21st."

The next communication I received was your June 30, 2021, letter wherein you requested, "a detailed explanation of the relevancy of the request – both in general terms and in respect to each of the items in your letters dated June 11, 2021." Moreover, you declare the following:

"Until we can review and consider your explanation of the relevancy of your requests stated above to the expired CBA, we object to your requests as being irrelevant, unduly burdensome and seeking confidential or privileged information."

It is therefore clear that you have changed your position with regard to the Hospital's request for information, despite the fact that your initial June 14th response implicitly acknowledged the Hospital's right to the requested information. Furthermore, your June 30th reference to "the expired CBA" is confusing, as the contract between the Union and

the Hospital does not expire until September 30, 2022. I must therefore request that you please explain your union's position that the CBA between the Hospital and your union is "expired" and how you contemplate this claim to be relevant to your prospective review and consideration of the Hospital's request for information and related grievances. Nonetheless, in the spirit of obtaining the information to which it is entitled as promptly as possible, I will explain the Hospital's view of relevancy for each item below:

1. *any and all Documents and communications from, by, and/or between any Agents of the Union that reference the determination to use a vehicle with electronic communications boards as pictured on the attached (the "Truck") at the campus of the Hospital on June 3, 2021;*
 - The requested information is relevant to understand the objectives your union intended to achieve by using the Truck in front of and / or on the premises of the Hospital, and the relevant individuals with knowledge of those objectives. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
2. *your union's intention for using the Truck at the campus of the Hospital on June 3, 2021;*
 - The requested information is relevant to understand the message your union intended to communicate and/or objectives your union intended to achieve while your Truck was in front of and/or on the premises of the Hospital. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
3. *names and titles for all Agents of the Union involved in the decision to use the Truck on the campus of the Hospital on June 3, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
4. *names and titles for all Agents of the Union who operated or arrived at the campus of the Hospital with the Truck on June 3, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of

the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.

5. *names and titles for all Agents of the Union who came over to and/or were in presence of the Truck once it arrived at the campus of the Hospital on June 3, 2021;*
 - This requested information is relevant in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement. The requested information is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
6. *the arrival and departure time of the Truck at the campus of the Hospital on June 3, 2021;*
 - The requested information is relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
7. *the location in which the Truck was used at the campus of the Hospital on June 3, 2021; and,*
 - The requested information is therefore to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.
8. *the names and position titles of those Agents of the Union who instructed and/or authorized the Truck to be used at the campus of the Hospital facility on June 3, 2021.*
 - The requested information is necessary to obtain the identities of the relevant individuals with knowledge of the Union's objectives in utilizing the Truck at the Hospital's campus. The requested information is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement by utilizing the Truck at the Hospital's campus.

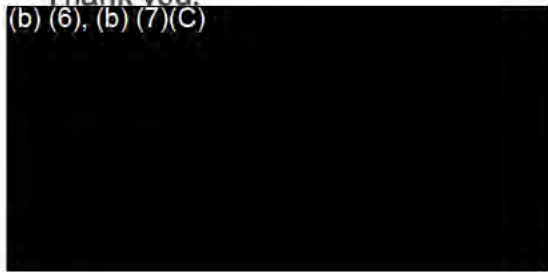
Finally, SEIU Healthcare Pennsylvania has represented that electronic information within its electronic system is automatically deleted after thirty (30) days. Therefore, in order to prevent the spoliation of relevant electronic information, the Hospital requests that the Union immediately pull, hold and permanently preserve any and all electronic information responsive to this July 20, 2021, correspondence; the June 11, 2021,

information requests; and the Hospital's three (3) grievances also filed on June 11, 2021.

I look forward to receiving your responsive information by Friday, July 30, 2021.

Thank you.

(b) (6), (b) (7)(C)





SEIUHealthcare.

United for Quality Care

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Christina Thompson
Ruth Visintainer
Sandra Wagner
Keisha L. Williams
Sandra Williams
Suzanne Woodings
Annale Yobbi
Erica Zimmerman

VIA CERTIFIED MAIL WITH RETURN RECEIPT (7018 1130 0002 1457 4187)
AND EMAIL COMMUNICATON (kevin_witman@chs.net)

July 29, 2021

(b) (6), (b) (7)(C)

Regional Hospital of Scranton
746 Jefferson Avenue
Scranton, PA 18510

RE: SEIU Response To RHS Revised Information Request On July 20, 2021, For June 1st, 2nd, 3rd, 2021.

Dear (b) (6), (b) (7)(C):

I am in receipt of your three (3) letters again, dated June 20, 2021, accusing the Union of failing to respond to your information request on June 18, 2021, for the "digital truck" on June 1st, 2nd, and 3rd.

First, the Union did not fail to respond to your request. As you mention in all three (3) RFI's, the Hospital acknowledges it received an email from the Union requesting an extension to compile the information. After a careful review of your request, it was not clear to me the relevancy of all three (3) of your requests which is why I sent another response on June 30, 2021, stating the Union's position on the relevancy of your request.

In addition to my statement that the "CBA is expired" at Regional Hospital of Scranton was a clerical error and nothing more. I know the current contract is in good standing and expires on September 30, 2022.

In order to honor the Union's obligation to provide relevant information, The Union is providing a response to your July 20, 2021, revised requested information for #4, #5, #6, and #7 below for all three (3) request-June 1st, 2nd, 3rd, 2021.

#4. (b) (6), (b) (7)(C)

and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) were the Union staff present on June 1, 2021. No Union Staff were present on June 2nd or 3rd, 2021. In addition, there were no Union Staff who operated "truck", nor were any Union staff on Hospital property at any time on June 1st, 2nd, or 3rd, 2021.

#5. (b) (6), (b) (7)(C)

and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) were the Union staff present on June 1, 2021. No Union Staff were present on June 2nd or 3rd, 2021, nor were any Union staff on Hospital property at any time on June 1st, 2nd, or 3rd, 2021.

#6. On June 1, 2021, the approximate times were 12:25 P.M - 12:45 P.M. I am not aware of the times when the "truck" was near, by, or around the Hospital on June 2nd or 3rd, 2021. At no time was the truck on the Hospital's property.

#7. On June 1st, 2021, the location was at 746 Jefferson Ave, Scranton PA, the public street where people park near the old part of the Hospital, and on the public side street of Jefferson and Gibson Street. On June 2nd and 3rd, 2021, the Union does not know the times the “truck” was present, nor if it parked, or if it just drove down the street. At no time was the truck on the Hospital’s property.

Until we can review and consider your explanation of the relevancy of your requests stated in your June 20, 2021 letter for #1, #2, #3, and #8, we object to your requests as being irrelevant, unduly burdensome, and seeking confidential or privileged information.

Without waiver of these objections, be advised that the use of the “truck”, the messages it conveyed, and the association of employees with it are, in our view, protected and concerted activity. Furthermore, on any day did the truck or Union staff, who may have been in proximity to the vehicle, enter upon the property or facilities of the Hospital or block any entrance to the Hospital.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

cc:

(b) (6), (b) (7)(C)

Chapter Leaders
File (3)

Subject: Re: Regional Hospital of Scranton - Digital Billboard Arbitration

Date: Tuesday, November 23, 2021 at 5:58:37 PM Eastern Standard Time

From: (b) (6), (b) (7)(C)

To: Kaitlin Kaseta

Kaitlin,

The Union completely responded to the Hospital's June 11, 2021, request for information. The Union has not unlawfully withheld information. If the Hospital seeks a postponement of the November 30, 2021, hearing date then the Union shall take the position that the Hospital must bear the entirety of any cancellation fees.

(b) (6), (b) (7)(C)

SEIU Healthcare Pennsylvania

1500 North 2nd Street

Harrisburg, PA 17102

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) [@seiuhcpa.org](mailto:(b) (6), (b) (7)(C)@seiuhcpa.org)

On Tue, Nov 23, 2021 at 2:28 PM Kaitlin Kaseta <kkaseta@carmonyandcarmony.com> wrote:

(b) (6), (b) (7)(C)

I am in the process of preparing for the November 30, 2021 arbitration hearing before Arbitrator Mastriani in the above-referenced matter. In preparing for the hearing, I figured out a way to digitize the Hospital's security camera footage, which the Hospital previously believed could not be shared electronically. Accordingly, I write to update the Hospital's response to Request (1) of the Union's July 29, 2021 request for information concerning the Hospital grievances underlying the case, by providing you with a link to a Dropbox through which the Hospital's security footage can be viewed electronically. I will send you the link momentarily.

Also attached hereto is a June 3, 2021 text message exchange between Hospital (b) (6), (b) (7)(C) (the grey text) and former Hospital (b) (6), (b) (7)(C) (now (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (the blue text)). While it is the opinion of both the Hospital and myself as legal counsel that the text messages are not responsive to Request (2) of the Union's July 29, 2021 request for information, I am providing them to the Union on behalf of the Hospital out of an abundance of caution and as a show of good faith with regard to the Hospital's efforts to respond to the Union's request for information.

However, my review of the Hospital's security footage today also compels me to raise with you the good faith and the completeness of the Union's responses to the June 11, 2021 Requests for Information sent to the Union by the Hospital. Specifically, in Requests (4) and (5) of the Requests for Information, the Hospital requested that the Union provide the names and titles of any and all Agents of the Union who "operated", "arrived with", "came over to" or "were in the presence of" the digital billboard truck on June 1-3, 2021. In response, the Union provided the names and titles of two individuals to the Hospital. However, my review of the Hospital's security footage today

indicates that there were a total of at least five individuals present at the Hospital who either “operated”, “arrived with”, “came over to” or “were in the presence of” the digital billboard truck. The footage therefore indicates quite clearly to me that the Union has unlawfully withheld from / refused to provide to the Hospital the identities of at least three individuals who “operated”, “arrived with”, “came over to” or “were in the presence of” the digital billboard truck.

If the Union does not provide the Hospital with the identities of the remaining individuals as requested, and as visible in the security footage, by 10:00 am on Friday, November 26, 2021, the Hospital will be forced to file an Unfair Labor Practice Charge against the Union for failing and refusing to provide the requested information to the Hospital. Furthermore, if the Union does not provide this information by Friday, I will be forced to seek a postponement of next week’s hearing, as the Hospital was and is entitled to subpoena and question these individuals in connection with the arbitration hearing, and has been deprived of that opportunity by dint of the Union’s failure and refusal to provide the information to the Hospital.

Finally, in light of my knowledge of the information already withheld from the Hospital by the Union, the Hospital seeks production of any and all documents responsive to the Hospital’s October 28, 2021 subpoena duces tecum, without modification or limitation. I have already inquired once with you regarding the Union’s position on the subpoena, and you did not respond. I therefore expect that the Union will produce all responsive documents, without any limitation or modification, on November 30, 2021.

Sincerely,

Kaitlin

From: [Kaitlin Kaseta](#)
To: [Sacchetti, Joanne M.](#)
Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)
Date: Thursday, December 16, 2021 1:31:52 PM

Joanne,

I write in response to your December 3, 2021 email, which seeks further clarification of the Hospital's position concerning ULP Charge No. 04-CB-286783.

First, you seek clarification as to which of the numbered requests for information within the Hospital's June 11, 2021 letter the Hospital alleges that the Union has failed to respond. You are correct that the Hospital contends that the Union failed to fully respond to Requests (3), (4) and (5) of the Hospital's June 11, 2021 requests for information.

However, the Hospital disagrees strenuously with your conclusion that the information requested by the Hospital in Requests (3), (4) and (5) was not relevant. An employer's right to request information from a labor organization, and the labor organization's obligation to respond to such requests, parallels the right of a labor organization to request information from an employer. California Nurses Assn., 326 NLRB 1362 (1998), *citing* Service Employees Local 144 (Jamaica Hospital), 297 NLRB 1001 (1990); Northern Air Freight, 283 NLRB 922 (1987); Plasterers Local 346 (Brawner Plastering), 273 NLRB 1143 (1984); Printing & Graphic Communications Local 13 (Oakland Press), 233 NLRB 994 (1997). The burden to establish the relevance of a request for information is low, and the Board uses a "liberal, discovery-type standard" to establish relevancy. NLRB v. Acme Industrial Co., 385 U.S. 432, 437 (1967). Where the relevance of the information should have been apparent to the responding party under the circumstances, the requesting party has met its burden to establish relevance. Disneyland Park, 350 NLRB 1256, 1258 (2007); Shoppers Food Warehouse, Corp., 315 NLRB 258, 259 (1994).

Furthermore, even if the relevance of the request must be established, the requesting party need not establish that the information sought is dispositive of the issue between the parties, but instead must establish only that the information is sought "has some bearing upon the matter" or will be "of probable or potential use" to the requesting party in carrying out their responsibilities. NLRB v. Acme Industrial Co., *supra*; Postal Service, 332 NLRB 635, 636 (2000); Shoppers Food Warehouse, Corp., *supra*; Bacardi Corp., 296 NLRB 1220 (1989). Where requested information relates to pending grievances and existing contract provisions, it is "information that is demonstrably necessary" for the requesting party to "to perform its duty to enforce the agreement." A.S. Abell Co., 230 NLRB 1112, 1113 (1977). The duty to provide relevant information thus includes the provision of information necessary to the administration of a collective bargaining agreement, including information used to process a grievance through arbitration. California Nurses Ass'n, *supra*, *citing* NLRB v. Acme Industrial

Co., supra; Jewish Federation Council of Greater Los Angeles, 306 NLRB 507 (1992); Bacardi Corp., supra; Howard University Hospital, 290 NLRB 1006 (1988). Indeed, the Board has held that information involving any stage of arbitration is relevant and should be provided, as the goal of the Act in this regard is to encourage resolution of disputes short of arbitration hearings. Pennsylvania Power Co., 301 NLRB 1104, 1005 (1991). The Board does not assess the merits of the underlying grievance or dispute between the parties to determine relevance, and the requesting party is not required to be “entirely sure of the degree to which the contract had been violated”, or to show in advance precisely how the information sought would be useful or reliable in order to prove its entitlement. Postal Service, supra, at 635; Blue Diamond Co., 295 NLRB 1007, 1011 (1989); FirstEnergy Generation, LLC, 362 NLRB 630, 636 (2015) (The requesting party, rather than the responding party, should decide what information can be of use to it.). Thus, parties are undoubtedly obligated to furnish information relating to the parties’ processing of grievances and arbitrations, and the parties’ enforcement of existing collective bargaining agreements.

Pursuant to the Board’s precedent, the information requested by the Hospital in Requests (3), (4), and (5) of its June 11, 2021 requests for information was clearly relevant to the Hospital’s investigation and processing of its grievances, and thus met the low bar obligating the Union’s production of the information. First, the relevance of the information sought by the Hospital – which pertained directly to the identities of all firsthand witnesses to / participants in the Union’s alleged violation of the collective bargaining agreement should have been apparent to the Union under the circumstances, and thus the relevance of the information was established at the outset.

However, even if the Hospital was obligated to set forth the relevance of its requests, it has clearly done so. The information sought related directly to the Hospital’s investigation of the grievances that it filed concerning the Union’s use of the digital billboard vehicle. The parties’ collective bargaining agreement contains express limitations on the Union’s rights to access the Hospital, meet with employees at the Hospital, and picket against the Hospital. The Hospital alleged in its grievances that the Union’s deployment of the digital billboard vehicle against the Hospital violated these provisions of the parties’ collective bargaining agreement. The individuals who accompanied and operated (including by driving) the digital billboard vehicle are individuals who quite obviously possessed the most direct information about the Union’s actions on June 1-3, 2021. They also are the individuals who were presumably provided with direction from the Union about where the digital billboard vehicle should be located; how long it should be in those locations; where the digital billboard vehicle was actually driven and located on June 1 - 3, 2021; whether those accompanying the vehicle were instructed on talking points to share with employees or the general public; and whether any exchanges with employees or the general public were had (and their content) – amongst other information which would be relevant to the Hospital’s investigation of its grievances. Thus, it is obvious that the identities of all Union agents involved in the events of June 1-3,

2021 would be of “probable or potential use” to the Hospital’s investigation, as all of those individuals might be potential witnesses in the grievance and arbitration process (as the Hospital clearly stated in its July 20, 2021 response to the Union). Furthermore, the Board’s precedent is crystal clear that, where information is sought relating to pending grievances and existing contract provisions, it is demonstrably necessary for the requesting party to enforce the collective bargaining agreement. The Hospital has stated from the outset that it sought the information in question from the Union in connection with its investigation of the grievances the Hospital had filed against the Union. Finally it is important to note that the Union’s “half-response”, by way of its provision of the identities of the “Union staff” who were present on June 1, 2021, rather than the identities of all “Union agents” present on June 1-3, 2021 (whether employed by the Union or not), is insufficient – as the Board has repeatedly recognized, it is the requesting party, rather than the responding party, who decides what information can be of use. For all these reasons, it is clear that the Union has unlawfully withheld information properly requested by the Hospital.

It is the Hospital’s position that this is not a complicated case – the Union’s violation is both clear and unexceptional. Accordingly, upon receipt of this additional information and explanation in support of the Hospital’s Charge, the Hospital once again respectfully urges the Region to issue Complaint and require the Union to respond in full to the Hospital’s requests for information.

Sincerely,
Kaitlin

From: Kaitlin Kaseta <kkaseta@carmonyandcarmony.com>
Date: Tuesday, December 7, 2021 at 11:49 AM
To: "Sacchetti, Joanne M." <Joanne.Sacchetti@nrlb.gov>
Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton

Thank you.

Kaitlin

From: "Sacchetti, Joanne M." <Joanne.Sacchetti@nrlb.gov>
Date: Tuesday, December 7, 2021 at 11:15 AM
To: Kaitlin Kaseta <kkaseta@carmonyandcarmony.com>
Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton

Yes. I can grant a one week extension.

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From: Kaitlin Kaseta <kkaseta@carmodyandcarmody.com>

Sent: Tuesday, December 7, 2021 10:50:42 AM

To: Sacchetti, Joanne M. <Joanne.Sacchetti@nlrb.gov>

Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)

Joanne,

May I please request a one-week extension of the deadline for the Hospital's response? I have a brief due in another matter on Friday, as well as two other deadlines on Thursday and Friday of this week.

Thank You,
Kaitlin

From: "Sacchetti, Joanne M." <Joanne.Sacchetti@nlrb.gov>

Date: Friday, December 3, 2021 at 11:41 AM

To: Kaitlin Kaseta <kkaseta@carmodyandcarmody.com>

Subject: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)

Good afternoon, Kaitlin.

I've reviewed the documents you submitted in support of the allegations of this charge. Based on my understanding of your summary, below, is it correct that the refusal to provide information allegation of the charge is only about Items #3, #4 and #5 of each of the three requests dated June 11, 2021? If not, please let me know what other items the Employer is alleging that the Union refused to provide, and include them in your response to my requests detailed below.

It appears that the information requested in Items #3, #4 and #5, is not directly related to bargaining unit employees terms and conditions of employment, does not pertain to a mandatory subject of bargaining, and is not presumptively relevant information. The burden is on the requesting party to establish the relevance of the requested material. [Disneyland Park, 350 NLRB 1256, 1257 \(2007\)](#); [Earthgrains Co., 349 NLRB 389 \(2007\)](#); [United States Testing, 324 NLRB 854, 859 \(1997\)](#), enfd. [160 F.3d 14 \(D.C. Cir.](#)

[1998](#)); [Brooklyn Union Gas Co., 220 NLRB 189 \(1975\)](#). With respect to the Employer's July 20 responses to the Union's request for relevancy of the requested information, the Employer describes why it wants the information, but does not establish the relevance of this information with respect to a non-mandatory subject of bargaining. Nor does the Employer's response explain how having the names of who were involved with the decision to use the truck, or were operating or in the presence of the truck, answers the question of whether the Union had knowledge of the events that transpired, or "condoned" the events, as proffered by the Employer as its reason for wanting the information. The Union acknowledged responsibility for the appearance of the vehicle and the presence of its representatives, thereby acknowledging that the Union was aware of the activity.

In any event, based on the correspondence provided, it appears that the Employer has failed to establish the relevance of the requested information. "To say simply that information is needed for bargaining, or to implement contractual provisions, does not necessarily establish that the Act compels its production." See, [SEIU Local 535 \(North Bay Development Disability Services, Inc. 287 NLRB 1223 \(1988\)\)](#). Therefore, I am requesting the Employer's position with supporting case law as to whether the Employer has satisfied its burden to establish relevance. Once I've had an opportunity to review your submission, I will contact you with respect to how we will proceed with the investigation. I am requesting that you provide a response to my inquiries above by Friday, December 10, 2021. Thank you.

Joanne M. Sacchetti
(215)597-9672 (direct office)
Email: Joanne.Sacchetti@nrlb.gov

From: Kaitlin Kaseta <kkaseta@carmonyandcarmony.com>

Sent: Tuesday, November 30, 2021 6:49 AM

To: Sacchetti, Joanne M. <Joanne.Sacchetti@nrlb.gov>

Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)

Good Morning Joanne,

The above-referenced ULP Charge arises from a digital billboard display truck utilized by SEIU Healthcare Pennsylvania (the "Union") outside of the Regional Hospital of Scranton (the "Hospital") on June 1-3, 2021. The truck was driven and parked outside of the Hospital, and

had large LED panels that conveyed messages related to a dispute between the Union and Tyler Memorial Hospital.

In response to the Union's usage of the digital billboard display truck outside of the Hospital, the Hospital filed and pursued three grievances, whereby the Hospital alleged the Union's use of the digital billboard display truck violated the parties' collective bargaining agreement (the "CBA"). The grievances were denied by the Union and thereafter advanced to arbitration by the Hospital. The grievances were consolidated for purposes of arbitration, and a hearing was scheduled to be convened on November 30, 2021.

By letters dated June 11, 2021, the Hospital requested that the Union identify the "names and titles for all Agents of the Union" who "operated", "arrived with", "came over to", or "were in the presence of" the digital billboard display truck on June 1-3, 2021. By letter dated June 30, 2021, the Union requested that the Hospital explain the relevance of the requested information. In its July 20, 2021 responses, the Hospital indicated that the requested information was relevant to establishing whether the violations of the CBA were known or condoned by the Union, as well as to "ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the truck", and to the Hospital's investigation of the Union's use of the digital billboard display truck at the Hospital. By letter dated July 29, 2021, in response to the relevant Hospital requests, the Union disclosed that two individuals were the "Union staff present on June 1" (namely, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)).

Based upon the information provided by the Union, the Hospital subpoenaed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to give testimony in the November 30, 2021 arbitration hearing. However, in advance of the arbitration hearing, I – as counsel for the Hospital – obtained, digitized, and then reviewed the Hospital security footage of the Union's activity on June 1-3, 2021. The footage indicated that additional individuals had operated, arrived with, come over to, and been in the presence of the digital billboard display truck along with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), and that at least two of those individuals (who were not, upon information or belief, (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)), had actually entered the Hospital during the course of the activity in question.

As a result of my review of the security footage, I contacted (b) (6), (b) (7)(C) for the Union, by email on November 23, 2021. I provided (b) (6), (b) (7)(C) with copies of the now-digitized security footage. I advised that the Hospital had sought, by way of its request for information, the identities of *all* Union agents who "operated", "arrived with", "came over to", or "were in the presence of" the digital billboard display truck, and that my review of the Hospital's security footage indicated that the Union's prior response to the Hospital's requests was incomplete. I reiterated the Hospital's request for the identities of those additional individuals who had "operated", "arrived with", "came over to", or "were in the presence of" the digital billboard truck in the security footage, and advised that the Hospital wished to obtain the

information so that the Hospital could subpoena and question those individuals in connection with the Hospital's grievances as part of the November 30, 2021 arbitration hearing. On the same date, (b) (6), (b) (7)(C) responded to my email, and stated that the Union had "completely responded" to the Hospital's requests for information. (b) (6), (b) (7)(C) did not provide the information previously requested by the Hospital or reiterated by my November 23, 2021 email – specifically, (b) (6) did not provide the identities of the additional individuals who had "operated", "arrived with", "came over to", or "were in the presence of" the digital billboard truck and who were visible in the Hospital's security footage. As a result of the Union's refusal to provide the information sought by the Hospital, which had the effect of preventing the Hospital from subpoenaing witnesses in connection with the litigation of its grievances, the November 30, 2021 arbitration hearing was postponed.

Courtesy copies of all relevant documents are attached, and per your request, have also been e-filed. Please let me know if you require any additional information.

Sincerely,
Kaitlin

From: "Sacchetti, Joanne M." <Joanne.Sacchetti@nlrb.gov>

Date: Monday, November 29, 2021 at 10:26 AM

To: Kaitlin Kaseta <kkaseta@carmodyandcarmody.com>

Subject: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton

Good morning, Kaitlin.

I am the Board agent assigned to investigate the subject charge. In preparation for my taking your witness's affidavit, would you please provide a brief summary of the allegations of the charge and submit the information request, all subsequent correspondence between the Employer and Union related to the information request, and any other documents relevant to the allegations of the charge. If there were any verbal communications related to the information request, please provide that information in our summary. Please submit this evidence through the Agency's e-filing system by Wednesday, December 1. Once the documents are received, I will contact you to discuss how we will proceed with the investigation and schedule an appointment time for your witness's affidavit. Thank you.

Joanne M. Sacchetti
Labor Management Relations Examiner
NATIONAL LABOR RELATIONS BOARD
The Wanamaker Building
100 Penn Square East, Suite 403
Philadelphia, PA 19107
(215)597-9672 (direct office)

(202)322-1158 (cell)

Email: Joanne.Sacchetti@nrb.gov

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From: (b) (6), (b) (7)(C)
To: [Sacchetti, Joanne M.](#)
Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)
Date: Wednesday, January 26, 2022 11:33:57 AM

Good afternoon Joanne,

On Sept. 27, 2021, the parties agreed to consolidate the three grievances and demands for arbitration at Regional Hospital of Scranton regarding the panel truck. (Case Nos. 01-21-0004-7313, 01-21-0004-7316, and 01-21-0004-7319).

An arbitration hearing on the consolidated grievances and demands for arbitration was scheduled to take place before Arbitrator James Mastriani in Scranton, Pennsylvania on Tuesday, November 30, 2021.

On Wednesday, November 24, the Employer requested that Arbitrator Mastriani postpone the arbitration hearing pending the Region's resolution of the above captioned charge. The Arbitrator granted the Employer's request.

(b) (6), (b) (7)(C)
SEIU Healthcare Pennsylvania
1500 North 2nd Street
Harrisburg, PA 17102
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) seiuhcpa.org

On Wed, Jan 26, 2022 at 12:02 PM Sacchetti, Joanne M. <Joanne.Sacchetti@nlrb.gov> wrote:

(b) (6), (b) (7)(C)

My understanding is that grievances were filed by the Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton, which involved information requests made by the Hospital which are the subject of this charge. The grievances were related to the mobile digital signage at the hospital in June 2021.

What is the status of those grievances? Was an arbitration held yet and did the arbitrator issue an award? If so, would you provide me with a copy? I'm not requesting any other information from the Union on this, at this time.

Thank you.

Joanne M. Sacchetti

**Labor Management Relations Examiner
NATIONAL LABOR RELATIONS BOARD
The Wanamaker Building**

100 Penn Square East, Suite 403

Philadelphia, PA 19107

(215)597-9672 (direct office)

(202)322-1158 (cell)

Email: Joanne.Sacchetti@nrlb.gov

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From: [Kaitlin Kaseta](#)
To: [Sacchetti, Joanne M.](#)
Subject: Re: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)
Date: Friday, April 1, 2022 7:15:44 AM

Good Morning Joanne,

The Employer requests a long-form dismissal letter be issued in the above-referenced case.

Thank You,
Kaitlin

Kaitlin Kaseta, Esq.

Carmody & Kaseta PLLC

[860.307.3223](tel:860.307.3223) (c)

kkaseta@carmodykaseta.com

PLEASE NOTE MY NEW EMAIL ADDRESS: kkaseta@carmodykaseta.com

From: "Sacchetti, Joanne M." <Joanne.Sacchetti@nrlrb.gov>
Date: Wednesday, March 30, 2022 at 9:05 AM
To: Kaitlin Kaseta <kkaseta@carmodykaseta.com>
Subject: NLRB Case 04-CB-286783 - SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)

Good morning, Kaitlin.

This email is to inform you that the Regional Director has found no merit to the subject charge. The investigation revealed that the Union responded to the Employer's information requests, and to the extent any information may not have been provided, the Employer failed to establish the relevancy of that information.

If you would like to discuss this matter further, please feel free to call me. Otherwise, let me know if the Employer would prefer to withdraw the charge, or would rather we issue a short-form or long-form dismissal letter. Please let me know by close of business on Friday, April 1, 2022. Absent a response by close of business on April 1, the Region will issue a short-form dismissal letter.

Joanne M. Sacchetti
Labor Management Relations Examiner
NATIONAL LABOR RELATIONS BOARD
The Wanamaker Building
100 Penn Square East, Suite 403

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(215)597-9672 (direct office)
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

April 5, 2022

Kaitlin Kaseta, Esquire
1035 Euclid Avenue NE
Atlanta, GA 30307

Re: SEIU Healthcare Pennsylvania
(Scranton Hospital Company, LLC
d/b/a Regional Hospital of Scranton)
Case 04-CB-286783

Dear Ms. Kaseta:

We have carefully investigated and considered your charge that SEIU Healthcare Pennsylvania has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The charge alleges that the Union violated Section 8(b)(3) of the Act by failing and refusing to provide the Employer (Hospital) with requested information relevant to collective bargaining. Specifically, the Hospital contends that the Union failed in its responses to requests #3, #4 and #5 of the Hospital's three separate June 11, 2021 requests for information which, respectively, sought "the names and titles for all Agents of the Union involved in the decision to use the Truck on the campus of the Hospital," "the names and titles for all Agents of the Union who operated or arrived at the campus of the Hospital with the Truck," and "the names and titles for all Agents of the Union who came over to and/or were in [the] presence of the Truck once it arrived at the campus of the Hospital" on June 1, 2, and 3, 2021.

The evidence established that on June 30, the Union responded to the Employer's requests by asking the Hospital to provide the relevancy of the information sought. By letter dated July 20, the Hospital responded by stating, with respect to requests #3, #4 and #5, that the information was relevant "in order to establish whether the potential contract violations were condoned or known by any Agent of the Union, as related to the provisions of the collective bargaining agreement" and indicating that it "is also necessary to ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the Truck" and "is therefore relevant to the Hospital's investigation of the Union's violation of the collective bargaining agreement..." By letter dated July 29, the Union provided the Employer with the names of Union staff who were present or in the proximity of the Truck on June 1, 2, and 3, and stated that "there were no Union Staff who operated [the] 'truck', nor were any Union staff on Hospital property at any time on June 1st, 2nd, or 3rd, 2021." Thereafter, the parties did not have further communication concerning the information until November 23, 2021, when the Hospital questioned the "completeness" of the Union's responses to the Employer's June 11 information requests #4 and #5. That same day the Union

responded to the Hospital's concerns by indicating that the "Union completely responded to the Hospital's June 11 request for information."

The investigation revealed that the information at issue was not presumptively relevant information, as it did not relate to the terms and conditions of employment of unit employees. See *Yeshiva University*, 315 NLRB 1245, 1248 (1994); *Disneyland Park*, 350 NLRB 1256, 1257 (2007); and *Management & Training Corp.*, 366 NLRB No. 134, slip op. at 2 (July 25, 2018). As such, the Hospital has the burden of establishing the relevance of the requested non-unit information. *SEIU Local 535 (North Bay Development Disability Services, Inc.)*, 287 NLRB 1223 (1988). While it is not clear how the requested information in this case is relevant to the unit employees' terms and conditions of employment, it was determined that even if relevance were established, the evidence established that the Union responded on July 29 with answers to the Employer's request and promptly confirmed its response in November 2021 after the Employer questioned it. In these circumstances, there is insufficient evidence that the Union refused to provide information in violation of Section 8(b)(3) of the Act. Accordingly, I am refusing to issue Complaint in this matter.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **April 19, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 18, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 19, 2022**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 19, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



Thomas Goonan
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
SEIU Healthcare Pennsylvania
1500 North 2nd Street, Suite 12
Harrisburg, PA 17102

Scranton Hospital Company, LLC
d/b/a Regional Hospital of Scranton
746 Jefferson Avenue
Scranton, PA 18510

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

SEIU Healthcare Pennsylvania
(Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)

Case Name(s).

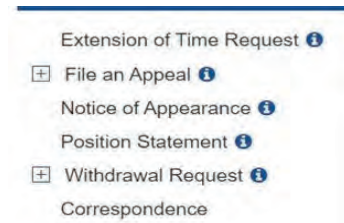
04-CB-286783

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

Confirmation Number	1061122994
Date Submitted	Wednesday, April 13, 2022 3:18 PM (UTC-05:00) Eastern Time (US & Canada)
Case Name	SEIU Healthcare Pennsylvania (Scranton Hospital Company, LLC d/b/a Regional Hospital of Scranton)
Case Number	04-CB-286783
Filing Party	Charging Party
Name	Kaitlin Kaseta
Email	kkaseta@carmoditykaseta.com
Address	1035 Euclid Avenue NE Atlanta GA 30307
Telephone	8603073223
Fax	
Original Due Date	04/19/2022 00:00:00
Date Requested	4/26/2022
Reason for Extension of Time	<p>The Undersigned Counsel respectfully requests a one-week extension of the deadline for the filing of an appeal in the above-referenced case, from April 19, 2022 to April 26, 2022. The Undersigned Counsel is scheduled to appear at a live hearing before Region 20 of the NLRB beginning on April 20, 2022, and therefore will be in transit from Atlanta to San Francisco on April 19, 2022, and in the hearing on the subsequent days in the same week. Accordingly, the Undersigned Counsel respectfully requests an extension of the deadline to file an appeal in the instant case through April 26, 2022.</p>
What Document is Due	Appeal
Parties Served	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

April 14, 2022

KAITLIN KASETA, ESQ.
1035 EUCLID AVE NE
ATLANTA, GA 30307

Re: SEIU Healthcare Pennsylvania (Scranton
Hospital Company, LLC d/b/a Regional
Hospital of Scranton)
Case 04-CB-286783

Dear Ms. Kaseta:

We have received your request for an extension of time to file an appeal. We are granting you an extension to **April 26, 2022**.

File your Appeal Electronically by April 26, 2022. You must file your appeal electronically via the Agency's website www.nlr.gov and are encouraged to submit a complete statement of the facts and reasons why you believe the Region's decision was incorrect. Remember to allow enough time to complete the electronic filing process by **11:59 pm Eastern Time on April 26, 2022**. Otherwise, your appeal will be late. Instructions on how to file electronically through our e-filing system is on the website.

If Unable to File Electronically, send via Mail by April 25, 2022. If you are unable to file electronically, you must include a written explanation as to why filing electronically was not possible or feasible along with your appeal. These items must be sent through the U.S. mail or by a delivery service **no later than April 25, 2022**, and addressed to the General Counsel, NLRB, Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the appeal should also be sent to the Regional Director. Please note that the date to send your appeal by mail or delivery service is at least one day prior to the appeal due date. This ensures your appeal is timely no matter what date it is received in this office.

Finally, please be advised that we do not accept appeals through fax or e-mail.

Sincerely,

Jennifer A. Abruzzo
General Counsel



By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: THOMAS GOONAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
100 E PENN SQ STE 403
PHILADELPHIA, PA 19107

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April 24, 2022

BY E-FILE

Mark E. Arbesfeld
National Labor Relations Board, Office of Appeals
1015 Half Street SE
Washington, D.C. 20570

Re: Scranton Hospital Company, LLC
d/b/a Regional Hospital of Scranton
NLRB Case No. 04-CB-286783

Dear Mr. Arbesfeld:

I represent Scranton Hospital Company, LLC d/b/a the Regional Hospital of Scranton (hereafter, the “Hospital”), as the Charging Party in the above-referenced case. Please accept this letter as the Hospital’s appeal of the dismissal of the Unfair Labor Practice Charge (hereafter, the “Charge”) filed by the Hospital in the above-referenced case.

Through the Charge, which was filed on November 24, 2021, the Hospital alleged the Charged Party, SEIU Healthcare Pennsylvania (hereafter, the “Union”), violated Section 8(b)(3) of the National Labor Relations Act, as amended (hereafter, the “Act”), by failing and refusing to provide the Hospital with requested information that is relevant to collective bargaining. By letter dated April 5, 2022, the Charge was dismissed by the Regional Director. The Regional Director concluded: (1) that the requested information was not presumptively relevant; (2) that the Hospital did not demonstrate the relevance of the requested information; and (3) that the Union responded to the request and the Hospital did not immediately challenge the response. As explained below, the conclusions reached by the Regional Director abound with an error, and accordingly, the Office of Appeals should remand the case

to the Regional with an instruction to prosecute the Union for its refusal to provide information in violation of the Act.

The facts of the case are largely undisputed. On or about June 1-3, 2021, the Union operated a mobile billboard vehicle outside of the Hospital's facility. Thereafter, the Hospital filed Grievances (hereafter, the "Grievances") against the Union, in which the Hospital alleged the Union's operation of the vehicle violated the parties' Collective Bargaining Agreement (hereafter, the "CBA"). On June 11, 2021, the Hospital written requests for information to the Union. The Hospital requested that the Union identify the "names and titles for all Agents of the Union" who "operated", "arrived with", "came over to", or "were in the presence of" the digital billboard display truck on June 1-3, 2021. By letter dated June 30, 2021, the Union requested that the Hospital explain the relevance of the requested information. In its July 20, 2021 responses, the Hospital indicated that the requested information was relevant to establishing whether the violations of the CBA were known or condoned by the Union, as well as to "ascertain the identities of the relevant individuals with knowledge of the Union's activities as related to the truck", and to the Hospital's investigation of the Union's use of the digital billboard display truck at the Hospital. There is no evidence that the Union questioned the Hospital's proffer of relevance. Instead, by letter dated July 29, 2021, in response to the relevant Hospital requests, the Union disclosed that two individuals were the "Union staff present on June 1" (namely, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)).

Based upon the information provided by the Union, the Hospital subpoenaed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to give testimony in the November 30, 2021 arbitration hearing. However, in advance of the arbitration hearing, Counsel for the Hospital obtained, digitized, and then reviewed the Hospital security footage of the Union's activity on June 1-3, 2021. The footage indicated that additional individuals had operated, arrived with, come over to, and been in the presence of the digital billboard display truck along with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), and that at least two of those individuals (who were not, upon information or belief, (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)), had actually entered the Hospital during the course of the activity in question.

As a result of my review of the security footage, Counsel for the Hospital contacted (b) (6), (b) (7)(C) for the Union, by email on November 23, 2021. Counsel for the Hospital provided (b) (6), (b) (7)(C) with copies of the now-digitized security footage. Counsel for the Hospital advised that the Hospital had sought, by way of its request for information, the identities of *all* Union agents who “operated”, “arrived with”, “came over to”, or “were in the presence of” the digital billboard display truck, and that review of the Hospital’s security footage indicated that the Union’s prior response to the Hospital’s requests was incomplete. Counsel for the Hospital reiterated the Hospital’s request for the identities of those additional individuals who had “operated”, “arrived with”, “came over to”, or “were in the presence of” the digital billboard truck in the security footage, and advised that the Hospital wished to obtain the information so that the Hospital could subpoena and question those individuals in connection with the Hospital’s grievances as part of the November 30, 2021 arbitration hearing.

On the same date, (b) (6), (b) (7)(C) responded to Counsel for the Hospital, and stated that the Union had “completely responded” to the Hospital’s requests for information. (b) (6), (b) (7)(C) did not provide the information previously requested by the Hospital or reiterated the Hospital’s November 23, 2021 email – specifically, (b) (6), (b) (7)(C) did not provide the identities of the additional individuals who had “operated”, “arrived with”, “came over to”, or “were in the presence of” the digital billboard truck and who were visible in the Hospital’s security footage. As a result of the Union’s refusal to provide the information sought by the Hospital, which had the effect of preventing the Hospital from subpoenaing witnesses in connection with the litigation of its grievances, the November 30, 2021 arbitration hearing was postponed.

There is no need to debate whether the identity of the operator was presumptively relevant or whether the Hospital proved the relevance, because the relevance painfully obvious, and thus the case law calls for the automatic production of requested information. The burden to establish the relevance of a request for

information is low, and the Board uses a “liberal, discovery-type standard” to establish relevancy. NLRB v. Acme Industrial Co., 385 U.S. 432, 437 (1967). Where the relevance of the information should have been apparent to the responding party under the circumstances, the requesting party has met its burden to establish relevance. Disneyland Park, 350 NLRB 1256, 1258 (2007); Shoppers Food Warehouse, Corp., 315 NLRB 258, 259 (1994). The duty to provide relevant information thus includes the provision of information necessary to the administration of a collective bargaining agreement, including information used to process a grievance through arbitration. Jewish Federation Council of Greater Los Angeles, 306 NLRB 507 (1992); Howard University Hospital, 290 NLRB 1006 (1988). Indeed, the Board has held that information involving any stage of arbitration is relevant and should be provided, as the goal of the Act in this regard is to encourage resolution of disputes short of arbitration hearings. Pennsylvania Power Co., 301 NLRB 1104, 1005 (1991). The Board does not assess the merits of the underlying grievance or dispute between the parties to determine relevance, and the requesting party is not required to be “entirely sure of the degree to which the contract had been violated”, or to show in advance precisely how the information sought would be useful or reliable in order to prove its entitlement. Postal Service, *supra*, at 635; Blue Diamond Co., 295 NLRB 1007, 1011 (1989); FirstEnergy Generation, LLC, 362 NLRB 630, 636 (2015) (The requesting party, rather than the responding party, should decide what information can be of use to it.).

Stated simply, the case now before your office arises from a dispute as to whether the Union’s use of the digital billboard vehicle at the Hospital violated the CBA. The Hospital has a clear and undeniable right to pursue evidence that may support the allegations set forth by the Grievance. Given the fact the Union’s use of the vehicle is the focal point of the parties’ disputes, no one could reasonably deny the fact the person who accompanied and operated the vehicle would undoubtedly have information that is relevant to the disputes. The individuals who accompanied and operated (including by driving) the digital billboard vehicle are individuals who quite obviously possessed the most direct information about the Union’s actions on June 1, 2021. They also are the individuals who were presumably provided with

direction from the Union about where the digital billboard vehicle should be located; how long it should be in those locations; where the digital billboard vehicle was actually driven and located on June 1 and June 3, 2021; whether those accompanying the vehicle were instructed on talking points to share with employees or the general public; and whether any exchanges with employees or the general public were had (and their content) – amongst other information which would be relevant to the Hospital’s investigation of its grievances. Thus, it is obvious that the identities of all Union agents involved in the events of June 1-3, 2021 would be of “probable or potential use” to the Hospital’s investigation, as all of those individuals might be potential witnesses in the grievance and arbitration process (as the Hospital clearly stated in its July 20, 2021 response to the Union). Furthermore, the Board’s precedent is crystal clear that, where information is sought relating to pending grievances and existing contract provisions, it is demonstrably necessary for the requesting party to enforce the collective bargaining agreement. The Hospital has stated from the outset that it sought the information in question from the Union in connection with its investigation of the grievances the Hospital had filed against the Union. For all these reasons, it is clear that the Union has unlawfully withheld information properly requested by the Hospital.

The fact that the Regional Director failed to see the relevance of the identity of the individuals who accompanied and operated the vehicle, given the facts of these cases, is truly astonishing. In a case where, for example, a labor organization alleges an employer has conducted surveillance of protected concerted activity, surely any Regional Director would conclude the labor organization would be entitled to know the identity of the supervisors and / or agents through whom the employer conducted the alleged surveillance. In another case where, by way of further example, an employer removes a labor organization’s representatives from its (i.e., the employer’s) property, and there is a claim the removal is unlawful, surely any Regional Director would once again conclude the labor organization would be entitled to know the identity of the supervisors and / or agents through whom the employer effectuated the removal of the representatives. In essence, the Regional Director has concluded that the Hospital is not entitled to know the identity of a basic

fact witness, which, of course, is simply untrue.

As you know, the Board applies a liberal, discovery standard and, under such a standard, the Hospital plainly had the right to know the identity of the person who conducted the activity that gave rise to the parties' disputes. The Hospital submits that this case implicates the credibility of the agency, for any determination that the Union lacked the duty to identify a key fact witness is the equivalent of a determination by the Board that labor organizations will not be held accountable for their own violations of the Act.

Respectfully submitted,

/s/ _____

Kaitlin Kaseta
Counsel for the Hospital



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

April 26, 2022

KAITLIN KASETA, ESQ.
1035 EUCLID AVE NE
ATLANTA, GA 30307

Re: SEIU Healthcare Pennsylvania (Scranton
Hospital Company, LLC d/b/a Regional
Hospital of Scranton)
Case 04-CB-286783

Dear Ms. Kaseta:

We have received your timely appeal from the Region's decision in the above-captioned case. We will assign your appeal for processing in accordance with Agency procedures. Please be assured that our review of this matter will include a full analysis of the underlying investigatory file, your appeal, as well as current Board law and processes.

We will notify you and all involved parties of our decision by letter via email as permitted under Section 102.4(c) of the Board's *Rules and Regulations*. If an email address is not available for you, we will provide the decision by mail.

Sincerely,

Jennifer A. Abruzzo
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, flowing style.

By: _____

Mark E. Arbesfeld, Director
Office of Appeals

SEIU Healthcare Pennsylvania (Scranton
Hospital Company, LLC d/b/a Regional
Hospital of Scranton)
Case 04-CB-286783

-2

cc: THOMAS GOONAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
100 E PENN SQUARE
STE 403
PHILADELPHIA, PA 19107

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

May 13, 2022

KAITLIN KASETA, ESQ.
1035 EUCLID AVE NE
ATLANTA, GA 30307

Re: SEIU Healthcare Pennsylvania (Scranton
Hospital Company, LLC d/b/a Regional
Hospital of Scranton)
Case 04-CB-286783

Dear Ms. Kaseta:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of April 5, 2022.

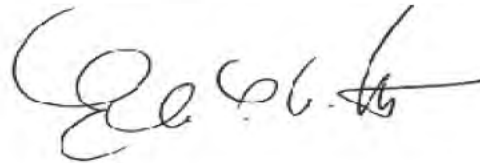
It appears that on June 1, 2, and 3, 2021 SEIU Healthcare Pennsylvania (Union) hired a mobile digital billboard and had it driven in the streets adjacent to the Employer Regional Hospital of Scranton's premises. The billboard scrolled pro-Union messages. The Union stated that the vehicle was never on the Employer's property. Also, the Union stated that on June 1 two union staff members were in the vicinity of the vehicle but did not drive it during its 20-minute trip. The Union stated that on June 2 and 3 there were no union staff members in the vicinity of the vehicle.

In your requests for information, you asked for the names and titles of union agents involved with the vehicle on these three days. The Union replied that no additional union staff members were involved. Under these circumstances, there is insufficient evidence to establish that the Union violated Section 8(b)(3) of the National Labor Relations Act by this conduct. The identity of nonunion individuals does not concern employees' terms and conditions of employment and was not necessary for the Employer to administer its collective bargaining agreement.

In these circumstances, the appeal is denied.

Sincerely,

Jennifer A. Abruzzo
General Counsel



By:

Elicia L. Watts, Acting Director
Office of Appeals

cc: THOMAS GOONAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
100 E PENN SQUARE STE 403
PHILADELPHIA, PA 19107

SCRANTON HOSPITAL COMPANY,
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Carmody + Kasetta PLLC
1086 Euclid Ave NE
Atlanta, GA 30307

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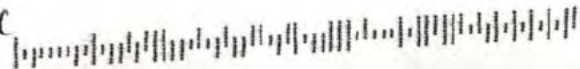


Ms. Elicia L. Watts
Acting Director
Office of Appeals
Office of the General Counsel
NLRB
1015 Half Street SE
Washington, DC
20576-0001

#3 NLRB

JUN 16 2022

MAILROOM





Kaitlin Kasetta Lammers
Attorney at Law
1035 Euclid Avenue NE
Atlanta, GA 30307

(866) 307-3223
kkasetta@carmodykasetta.com

June 10, 2022

Ms. Elicia L. Watts
Acting Director, Office of Appeals
Office of the General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Dear Ms. Watts:

I am in receipt of the attached letter, whereby you advise that your office has affirmed the dismissal of the Unfair Labor Practice Charge that the Regional Hospital of Scranton (the “Employer”) pursued against SEIU Healthcare Pennsylvania (the “Union”) in Case No. 04-CB-286783 (the “Charge”).

I write to confirm my understanding as to the effect of the General Counsel’s denial of the Charge. Pursuant to the decision reached by your office, in the case of a dispute as to whether a party has violated a collective bargaining agreement, the party accused of the violation has no obligation under the National Labor Relations Act (the “Act”) to identify every person with knowledge of the events that is the subject of the dispute. Henceforth, the Employer will be guided by this determination by your office when responding to future requests for information received from a labor organization.

Moreover, in any future case where a labor organization argues the Employer violated the Act by refusing to identify all fact witnesses to an event that is the subject of a pending grievance and / or arbitration, the Employer will rely upon your decision in the instant case as a conclusive basis for the dismissal of such a charge. And, should the General Counsel find merit to such a charge, in spite of your decision in the instant case, please be advised that the Employer will rely upon



Carmody &
Kaseta LLP

Kaitlin Kaseta Lammers
Attorney at Law
1035 Euclid Avenue NE
Atlanta, GA 30307

(866) 307-3223
kkaseta@carmodykaseta.com

your decision in the instant case to prove that the General Counsel is estopped from any prosecution of the case, on the basis of the decision that your office reached herein. Furthermore, the Employer will seek all remedies available to it for the General Counsel's arbitrary and capricious abuse of its discretion if such circumstances should arise in the future.

Respectfully,

_____/s/____

Kaitlin Kaseta
Counsel for the Employer
1035 Euclid Avenue NE
Atlanta, GA 30307
kkaseta@carmodykaseta.com